

## **REMARKS**

Applicants hereby request that the inventorship in the above-referenced application be corrected to include Stephen D. Barnhill as an inventor and to delete Shelija Guberman as an inventor.

The omission of Dr. Barnhill occurred without deceptive intent and was the result of reliance on the stated inventorship set forth in a provisional application to which this application claims priority, which, in turn was based on authorship of a manuscript describing the invention. It was determined upon review of the application after receipt of the Notice of Allowance that although the original declaration and the text of the application indicated that the application was a continuation-in-part of Dr. Barnhill's earlier applications, he had been inadvertently omitted as an inventor, without any deceptive intent on Dr. Barnhill's part. Upon consideration of the claims and the subject matter of Dr. Barnhill's earlier applications, it became apparent that significant subject matter from the earlier applications had been incorporated in both the specification and the claims.

Following submission of a request to the three originally-named inventors that they execute the new declaration to add Dr. Barnhill, Dr. Guberman advised that after reconsideration of the claims, he did not believe that had he made any inventive contribution to any of the claimed subject matter in the application and requested that his name be removed from the list of inventors. The erroneous prior inclusion of Dr. Guberman occurred without deceptive intent on his part, as asserted in his declaration. Accordingly, Dr. Barnhill should be included as an inventor on the present application, and Dr. Guberman should be removed as an inventor, and Applicants request that these corrections be reflected in the patent upon issue.

The previously submitted petition did not include the executed declaration of co-inventor Garry Carls because he did not return the signed document until after the deadline for payment of the issue. That declaration is now being provided. No additional changes are being sought by this petition. It is submitted solely to transmit Dr. Carls's declaration.

Applicants authorized the Commissioner to charge the processing fee in conjunction with the previously-submitted petition to Deposit Account No. 50-2075 in the name of Procopio, Cory, Hargreaves & Savitch LLP. However, if an additional fee is required for this

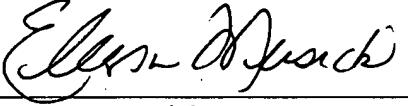
-3-

Amended Petition, the Commissioner is authorized to charge the fee to the same deposit account.

Should additional information or documentation be required to effect the requested changes to the inventive entity in an expedited manner, the Examiner is requested to telephone the undersigned attorney for Applicants.

Respectfully submitted,

Dated: September 20, 2005

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